

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**Arjun Vasan,**  
Plaintiff and Counter-Defendant

vs.

**Checkmate.com, Inc.,**  
(dba "Checkmate"),  
Defendant and Counterclaimant

Case No.: 2:25-cv-00765-MEMF-ASX  
Hon. Alka Sagar | DISCOVERY MATTER

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION TO DETERMINE  
SUFFICIENCY OF RFA RESPONSES;  
COMPEL RULE 26(A)(1)(A)(III)  
DAMAGES COMPUTATIONS; AND FOR  
A PROTECTIVE ORDER PHASING OR  
SEQUENCING DISCOVERY**

Complaint Filed: January 28, 2025  
Hearing Date: December 2, 2025  
Hearing Time: 11:00 A.M.  
Courtroom: 540

Having considered Plaintiff's Motion, the Declaration of Arjun Vasan and exhibits (e.g. the parties' initial disclosures, three RFA sets and responses) and Appendix A, and good cause appearing, the Court orders as follows:

1           **I. Requests for Admission (Rule 36)**

2           **A. Insufficiency and amendment.** The Court finds that Checkmate’s responses to  
3 Plaintiff’s First, Second, and Third Sets of RFAs are insufficient under Rule 36(a)(4) to the  
4 extent they rely on boilerplate objections, “lack of information” without describing any  
5 reasonable inquiry, or label-based vagueness where the underlying artifact/meeting is otherwise  
6 identified. Amended, Rule-compliant answers are therefore ORDERED as set out below.

7           **B. Deemed admitted (narrow, document-determinable matters).** The following RFAs  
8 are DEEMED ADMITTED under Rule 36(a)(6) and *Asea*:

9           Set Two (“Separation Meeting”): RFAs 3–5 (meeting start time ≈ 8:00 a.m. PT on Nov.  
10 14, 2024; attendees; recording). Defendant’s own responses effectively concede these facts.

11           Set One (“Lunchbox Emails”): RFAs 1–2, 11, 12A–12B, 16, 17, 18A–18B (file  
12 type/audio vs. code; absence of repo export/URL; native .eml capability;  
13 programming-syntax/MIME/term-of-art checks; facial content/body text). These are binary,  
14 face-of-document matters anchored in the emails Defendant filed and relies upon.

15           **C. Amended answers for all remaining RFAs.** For all RFAs not deemed admitted  
16 above, Defendant shall serve verified, amended answers within 10 days of this Order that:

- 17           1. Admit or deny (or admit in part/deny in part) each request;  
18           2. If asserting lack of knowledge, state in detail the reasonable inquiry made and  
19 why the information could not be readily obtained; and  
20           3. Avoid boilerplate. Only narrowly tailored objections (e.g., privilege) are  
21 permitted, with the factual portion answered to the extent not objectionable; privilege claims  
22 must be supported by a log where applicable.

23           The amended answers must be verified by an appropriate corporate representative and  
24 must confirm that the “reasonable inquiry” included checks of readily accessible sources  
25 implicated by the RFAs. See descriptions in the motion at § III.A (examples; targeted relief).

26           **II. Damages Computations (Rule 26(a)(1)(A)(iii)) and Preclusion (Rule 37(c)(1))**

27           **A. Service of computations and supporting documents.** By December 9, 2025,  
28 Checkmate shall serve a Rule 26(a)(1)(A)(iii) disclosure that (i) sets out a computation for each

1 category of damages it seeks on each claim/counterclaim, including formulas, time periods, rates,  
2 and intermediate math; and (ii) makes available the documents on which each computation is  
3 based (e.g., ledgers, invoices, agreements, bank/wire records, emails, spreadsheets) sufficient to  
4 test the computation. The Court notes Plaintiff identified that Checkmate's initial damages  
5 section listed only categories and remedies without numbers, formulas, or supporting documents.

6 **B. Attorney's-fees theory.** By the same date, if Defendant intends to seek attorney fees,  
7 it shall identify the specific contractual or statutory basis for any such request in its Rule  
8 26(a)(1)(A)(iii) disclosure. Absent such identification by that deadline, any claim to attorney's  
9 fees is precluded without further leave of Court.

10 **C. Preclusion.** Under Rule 37(c)(1), any damages evidence not disclosed by December 9,  
11 2025, is excluded absent a later showing of substantial justification or harmlessness warranting  
12 leave to supplement.

### 13 **III. Protective Order; Phasing and Sequencing (Rules 26(c), 26(d)(3), 45)**

14 **A. Party-first sequencing.** Discovery is phased so that party sources are pursued first.  
15 Non-party discovery may proceed only after (i) Defendant serves the Rule 26(a)(1)(A)(iii)  
16 computations and (ii) Defendant serves the amended RFA answers ordered above.

17 **B. Existing non-party subpoenas held in abeyance.** Compliance with the pending  
18 subpoenas to Vasana Varadarajan and Robert Nessler (and any substantially similar non-party  
19 subpoenas on these topics) is STAYED without prejudice pending further order after an informal  
20 discovery conference (IDC). The Court finds a short adjournment is the least-burdensome course  
21 while pleadings and core party discovery are addressed. See Motion § III.C & Procedural History

22 **C. Leave and proportionality showing.** Before issuing or enforcing any new non-party  
23 subpoenas on these subjects, the propounding party must: (1) meet and confer; (2) participate in  
24 an IDC (see § IV below); and (3) be prepared to show proportionality and that party sources have  
25 been exhausted or are inadequate.

### 26 **IV. Informal Discovery Conference (IDC)**

27 Within 10 days of this Order, the parties must jointly contact the assigned Magistrate  
28 Judge's courtroom deputy to schedule an IDC to address any open issues, including scope and

1 timing of any non-party discovery following the party-first phase and compliance with this  
2 Order's deadlines.

3 **V. Fees and Expenses on Discovery Motions**

4 Each side shall bear its own fees and expenses on this Motion and on future discovery  
5 motions, absent a specific finding of bad faith by the Court (in which case Rule 37 and any other  
6 applicable authority will govern any fee/expense award).

7  
8 IT IS SO ORDERED.

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11 Dated: \_\_\_\_\_, \_\_\_\_\_

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12 ALKA SAGAR

13 United States Magistrate Judge  
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